

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 16, 1998**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel(Miriam A.), J., Masterson, J., Dunn, J.  
(Assigned), and Connie Hon, Deputy Clerk.

Each of the following:

B122048 Department of Children & Family v. Cindy T.  
B110339 Wilson v. Singer

Argument waived, cause submitted.

B114774      Burga  
                  v.  
                  American National Insurance Company

Merits:  
Argued by William D. Evans for appellant and by Steven J. Prough for  
respondent. Cause submitted.

B117644      Edna Kathleen Terry, as Trustee, etc.  
B119401      United States of America  
                  v.  
                  Professional Technical Representatives Money Purchase Plan

Merits:  
Argued by Randolph L. Hutter for appellant and by W. Montgomery Jones  
for respondent. Cause submitted.

DIVISION ONE (Continued)

B107100     People  
              v.  
              Satterfield

Merits:  
Argued by Geri L. Green for appellant and by Thomas C. Hsieh, Deputy Attorney General for respondent. Cause submitted.

B118071     Diamond  
B121783     v.  
              Minouei, et al.

Merits:  
Argued by Lyle R. Mink for appellant; Philip Aidikoff for respondent (Mehdian) and by Ramin Azadegan for respondent (Minouei). Cause submitted.

B112466     Allingham  
              v.  
              Goldfinger

Merits:  
Argued by Danny E. Allingham, appellant in propria persona and by Steven A. Simons for respondent. Cause submitted.

Spencer, J.P. leaves the bench.

B117047     In Re Marriage of Bernstein  
              Bernstein  
              v.  
              Bernstein

Merits:  
Argued by Gary W. Kearney for appellant and Lionel Levin appearing for respondent and waiving argument. Cause submitted.

Spencer, P.J. resumes the bench.

DIVISION ONE (Continued)

B117959      Anand Diamond Corporation, et al.

v.

Underwriters at Lloyds of London Insurers, et al.

Merits:

Argued by Anne G. Koza for appellant and by Terry L. Kesinger for respondent. Cause submitted.

B116881      Tinoco, et al.

v.

American Honda Motor Co., Inc., et al.

Merits:

Argued by Roland Wrinkle for appellants and by Anthony E. Sonnett for respondents. Cause submitted.

Spencer, P.J. leaves the bench.

B120654      Alaska Petroleum Environmental Eng., Inc.

v.

Perez, et al.

Merits:

Argued by Matthew J. Nasuti for appellant and argument waived by William J. Sulentor for respondents. Cause submitted.

B117089      Magee

v.

Pillsbury, Madison & Sutro

Merits:

Argued by Patricia L. Glasser for appellant and by Robert A. Long for respondent. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B118952 McIntyre  
v.  
Gray

Merits:  
Argued by Joseph Iacopino for appellant and by David P. Pruett for  
respondent. Cause submitted.

Court adjourned.

B120378 People (Not for Publication)  
v.  
Mosley

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B116287 People (Not for Publication)  
v.  
Lepkowski

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION ONE (Continued)

B122048      In re Christopher U., et al., A Persons Coming Under the Juvenile  
Court Law.  
Los Angeles County, D.C.S.                      (Not for Publication)  
v.  
Cindy T.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                     Dunn, J. (Assigned)

B120396      Spekat                                      (Not for Publication)  
v.  
City of Glendora, et al.

The orders of January 6, 1998, and January 14, 1998, are vacated. The orders of January 15, 1998, and February 17, 1998, are reversed. The matter is remanded with directions to restore the matter to the civil active list and set it for trial. Spekat is entitled to her costs on appeal.

Ortega, J.

We concur:    Spencer, P.J.  
                     Dunn, J. (Assigned)

December 16, 1998-Continued

## DIVISION ONE (Continued)

B125097 In re Arlene M., A Person Coming Under the Juvenile Court Law.  
Edmond S. M. (Not for Publication)  
v.  
Superior Court of Los Angeles County,  
Los Angeles County Department of Children & Family Services, (rpi)

The petition for extraordinary relief is denied on the merits. Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26. (See § 366.26, subd. (l)(1).) As the permanency planning hearing is set for December 22, 1998, this opinion is final as to this court immediately. (Cal. Rules of Court, rule 24(d).)

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B116729 Long (Certified for Publication)  
v.  
City of Los Angeles

We reverse the summary judgment. Plaintiff is awarded costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Dunn, J. (Assigned)

B114364      Missioreck      (Not for Publication)  
v.  
West Valley Jewish Community Center

The judgment in favor of West Valley Jewish Community Center is reversed and the cause is remanded to the trial court for trial. Laura Missioreck is awarded her costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.  
Dunn, J. (Assigned)

DIVISION TWO

B119026     People  
              v.  
              Butler

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B112177     People  
              v.  
              Francisco Cardenas

Filed order denying petition for rehearing.

B120943     People                                 (Not for Publication)  
              v.  
              Hasaan Antonio Blunt

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                  Aldrich, J.

B122248     People                                 (Not for Publication)  
              v.  
              Yamil Knox Henderson

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                  Kitching, J.

### DIVISION THREE (Continued)

B116522      Kamal      (Not for Publication)  
v.  
Brown

The order of September 16, 1997 is affirmed. Knopf is awarded \$4,648.00 in sanctions to be paid by Kamal. In addition defendants awarded their costs on appeal. Kamal is declared a vexatious litigant. The clerk of this court is directed to provide a copy of this opinion and order to the Judicial Council. (Code Civ. Proc., 391.7, subd. (d).) Copies shall also be mailed to the presiding judges and clerks of the Los Angeles County Superior and Municipal Courts.

Aldrich, J.

We concur: Klein, P.J.  
Goodman, J. (Assigned)

B126013      Kerry L.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Dept. of Children & Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B113108 Bocchieri (Not for Publication)  
v.  
Poms, Smith, Lande & Rose, et al.

Judgment affirmed. Plaintiff and respondent to recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.



December 16, 1998-Continued

DIVISION FOUR

B125382      Ron W.      (Not for Publication)  
v.  
S.C.L.A.  
D.C.F.S.

The petition for writ is denied.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B122233      D.C.F.S.      (Certified for Publication)  
v.  
Robert & Michelle L.

The order extending jurisdiction over Michelle & Robert is reversed. The matter is remanded with directions that the Juvenile Court terminate jurisdiction over Michelle & Robert.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B119091      Edelstein, Laird & Sobel  
v.  
Carlisle Insurance Company

Filed order denying petition for rehearing.

DIVISION FIVE

B113028 People (Not for Publication)  
B120346 v.  
Ruben Arellano et al.

The abstracts of judgment are modified to reflect the Penal Code section 1202.4, subdivision (b) restitution fines imposed by the trial court: Fuentes \$2,000; Arellano \$1,000; Sanchez \$200; and Garcia \$200. As modified, the judgments are affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                  Godoy Perez, J.

## DIVISION SIX

B115010 People (Not for Publication)  
v.  
Patlan

The judgment is affirmed.

Stone, P.J.

We concur:    Gilbert, J.  
                              Yegan, J.

B117552 Harmon (Not for Publication)  
v.  
Springer

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.  
Yegan, J.

December 16, 1998-Continued

## DIVISION SIX (Continued)

B118842      McCarty      (Not for Publication)  
v.  
First Nationwide Bank

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur:   Stone, P.J.  
                      Coffee, J.

B113213      Buller      (Not for Publication)  
v.  
Buller

The judgment is affirmed. Costs to Husband.

Yegan, J.

We concur: Stone, P.J.  
Coffee, J.

B119171      Globus      (Not for Publication)  
v.  
Chicago Title

The order sustaining respondent's demurrer without leave to amend is reversed. Costs to appellants.

Yegan, J.

We concur: Stone, P.J.  
Coffee, J.

December 16, 1998-Continued

## DIVISION SIX (Continued)

B109977 People vs. Lamon (Not for Publication)

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Yegan, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

B118047      Tucker  
v.  
Torch Operating Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION SEVEN

B125648      Verdell N.      (Not for Publication)

V.

The Superior Court of the State of California

Los Angeles County Department of Children and Family Services,

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

(See *In re Joanna Y.* (1992) 8 Cal.App.4th 433, 439; *In re Shaundra L.*

(1995) 33 Cal.App.4th 303, 316.)

Neal, J.

We concur: Lillie, P.J.

Johnson, J.

B114997 People (Not for Publication)

V.

Cabrera

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.

Johnson, J.

B121972 People (Not for Publication)

V.

Harris

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.

Johnson, J.

December 16, 1998-Continued

## DIVISION SEVEN (Continued)

B118567 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B115383      People                                 (Not for Publication)  
v.  
Alarcon

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

B116114 People (Not for Publication)  
v.  
Thomas

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

December 16, 1998-Continued

## DIVISION SEVEN (Continued)

B118193      People                                  (Not for Publication)  
v.  
Gregg E., a minor

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

B110767      Fredrics      (Not for Publication)  
v.  
Beverly Hills Investment and Loan Association, et al.

The summary judgment as to the claims of negligent and intentional misrepresentation against Schultz is affirmed, and the summary judgment as to the claims of negligent and intentional misrepresentation against Jacobs and Champion is reversed. Appellants are awarded costs on appeal.

Woods, J.

We concur:   Lillie, P.J.  
                              Johnson, J.

B120541	L'Union Desassurances De Paris aka UAP v. Insurance Commissioner of the State of California	Not for Publication)
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The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.